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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/043,204 | 01/14/2002 | Takeshi Nakao | 36856.593 | 7389 |

7590 08/26/2003

Keating & Bennett LLP
Suite 312
10400 Eaton Place
Fairfax, VA 22030

[REDACTED] EXAMINER

BUDD, MARK OSBORNE

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2834

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/043,204 | NAKAO ET AL. | |
| | Examiner Mark Budd | Art Unit 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 June 2003.
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 1-12 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 January 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2-03 and 5 -036</u> | <input type="checkbox"/> Other: _____ |

Art Unit: 2834

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Koshino, Bulst or Satoh.

Each reference teaches at least one SAW device including input/output electrodes and reflectors wherein the jumper wires do not cross over either the electrode fingers or the reflector fingers.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshino, Bulst or Satoh.

As noted above the references teach the basic SAW device. The references do not explicitly teach some specific materials. However, it has long been held that selection from among known suitable materials is within the skill expected of the routineer. Thus selection of the specific materials for the SAW devices of Koshino, Bulst or Satoh.

Art Unit: 2834

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Prior Art' in view of Koshino or Japan (390).

The 'prior art' (applicants fig. 4) teaches the specific SAW configurations but the jumper wires cross over the electrodes and/or reflector elements. However Japan (390) (Fig. 7) and Koshino (figs. 6b, 10, 12, 14, 16-18, 20, 21, 23 & 25) teach connection of multiple SAWS to the terminal pads via jumper wires that are specifically routed so as not to cross over any electrode or reflector fingers. Such constructions would eliminate possible unwanted capacitive coupling and possible short circuiting during manufacturing.

Budd/ds

08/14/03

A handwritten signature in black ink, appearing to read "Budd". Below the signature, there is some smaller, less legible handwriting that appears to read "RECEIVED" and "MAY 14 2003".

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